

Appendix I

Complaints Received by Office for Civil Rights of the U.S. Department of Education, Related to Primary or Secondary Schools

The following tables reflect discrimination complaints filed with the Office for Civil Rights (OCR) for the period October 1, 1993–May 4, 1998. The complaint data displayed in these tables are only those for which the respondent was a primary or secondary school. OCR has classified all the complaints included in these tables as complaints related to Title II of the Americans with Disabilities Act (ADA); most of them are also classified as complaints related to Section 504 of the Rehabilitation Act. There are 5,684 individual complainants (5,584 nonduplicative docket numbers) for the reporting period. These complainants raise 12,349 issues. Complainants often raise more than one issue and OCR treats each issue separately. The complaints and issues raised with respect to primary and secondary schools constitute 72.3 percent of all the individual complainants and 74.7 percent of all issues raised with the Office for Civil Rights under ADA Title II.

Chart 26 shows that the key issues for an ADA/504 complaint are admission to an education program, program services for students with disabilities, and student treatment in areas such as discipline, awards, and honors, and student or parents' rights. By far, the issue for which the most complaints are filed involves enrollment recruitment, requirements, or selection criteria and procedures. The disabilities of the complainants vary. As it is noted in Table 27, a fairly large proportion (18.65%) of the students identified had learning disabilities. Attention Deficit and Hyperactivity Disorder (ADHD) also accounts for a noticeable proportion of the complainants. Approximately 33 percent of the complainants are categorized as "general" disability or "other handicapped." It is unclear from these categories what types of disabilities are experienced by those complainants. What is clear, however, is that a large proportion of the ADA/504 complaints lodged against school districts involve students with cognitive disabilities.

The distribution of complaint resolutions is displayed in Table 28. This distribution demonstrates the OCR focus on facilitating a resolution between the parties, rather than determining violations. Approximately 40 percent of the cases are reported closed by a resolution developed by the respondent, OCR, or another federal agency (and accepted by OCR). In approximately 13 percent of the complaints, the case is closed by referral to another federal agency for investigation or resolution. OCR finds insufficient basis or evidence to support an allegation or finding in approximately 16 percent of the cases. The remaining complaints do not

result in a finding for the complainant for a variety of technical reasons, including the absence of a signed consent by the complainant, a lack of cooperation by the complainant, lack of OCR jurisdiction, withdrawal of the complaint by the complainant, or because the complaint was previously investigated and handled and OCR has judged the current complaint as substantially the same as the previously handled complaint.

Chart 25: Number of OCR Complaints From Primary or Secondary Schools Identified as "Title II Only" or "ADA/504"

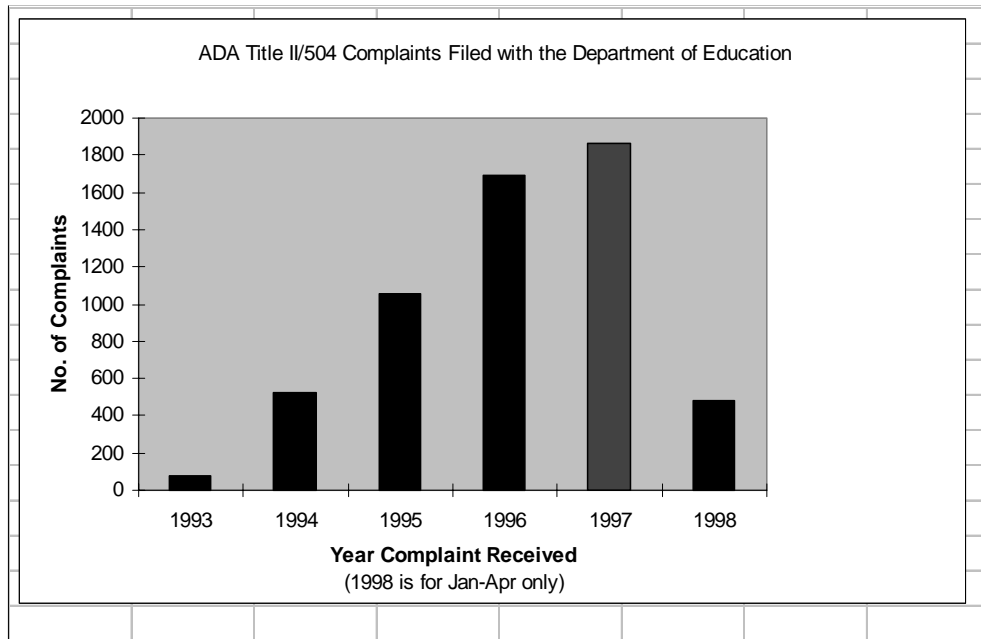
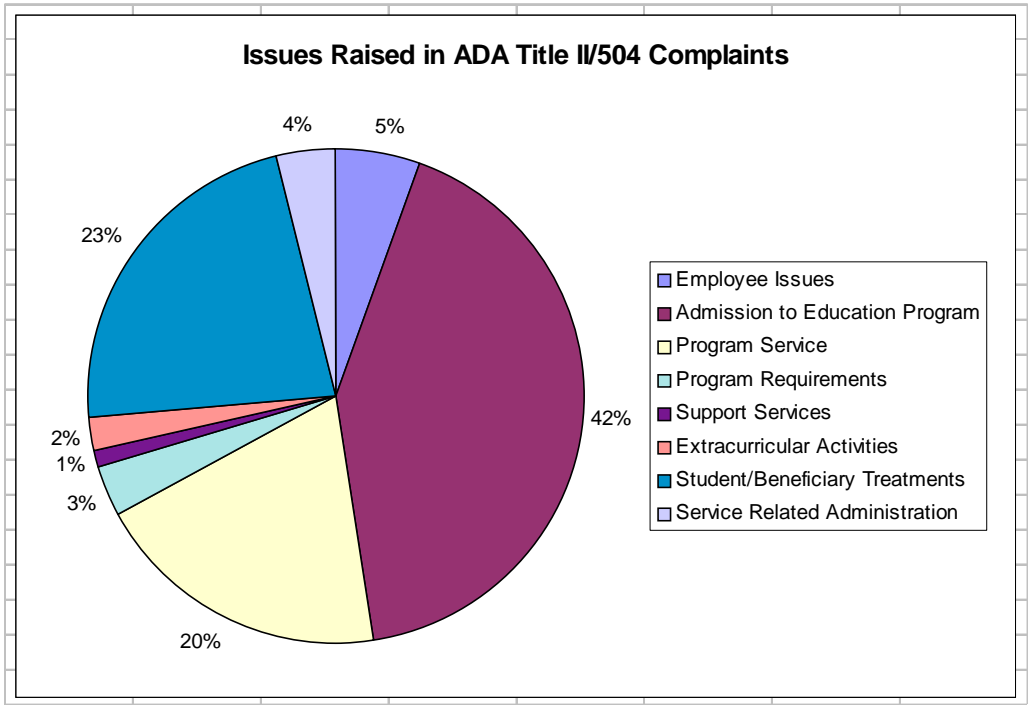


Chart 26: Issues Raised in DOE/OCR Title II and ADA/504 Complaints



Total number of Issues Raised: 12,349

- 5% Employee Issues
- 42% Admission to Education Program
- 20% Program Services
- 3% Program Requirements
- 1% Support Services
- 2% Extracurricular Activities
- 23% Student/Beneficiary Treatments
- 4% Service Related Administration

Table 27: Type of Disability Constituting Basis of Complaint for OCR Complaints*

General	23.96%
Other health impairments	6.68%
Hearing problems	2.72%
Learning disability	18.65%
Mental illness	8.19%
Mental retardation	4.64%
Orthopedic or physical deformity impairment	6.51%
Visual impairments	1.26%
Attention Deficit Disorder (ADD)	7.38%
Attention Deficit Hyperactivity Disorder (ADHD)	8.79%
Speech impairment	1.29%
Other handicapped	9.00%
Miscellaneous (e.g., HIV/AIDS, cancer, alcohol, epilepsy)	0.94%
Total (n = 11,281)	100.0%

* Bases are calculated by issue, thus total number of bases is larger than total number of complainants.

Table 28: Distribution of OCR Complaint Resolutions*

Resolved by referral to other federal agency	1.61%
Not enough information or signed consent to proceed	4.78%
Complaint not timely	2.89%
OCR has no jurisdiction	9.07%
Complaint too suspect to proceed	0.68%
Previously investigated & handled	1.45%
Allegation is being investigated by another federal agency	11.61%
Resolved by respondent (recipient)	11.86%
OCR facilitated early resolution (ECR)	6.75%
OCR negotiates agreement for corrective action	19.96%
Resolved by other agency, OCR accepts outcome	1.33%
Complainant withdraws complaint	5.42%
Insufficient factual basis to support allegation	6.64%
Insufficient evidence to support finding of a violation	8.06%
No violation Letter of Findings (LOF) issued	0.67%
OCR negotiates agreement for corrective action & issues a "violation corrected" LOF	0.57%

Complainant does not cooperate	1.37%
Misc.	0.20%
Allegation moot or complainant died & allegations cannot be pursued	4.72%
Will treat as compliance review	<u>0.37%</u>
Total (n = 11,198)	100.00%

*Each issue raised has a resolution code. Total number of resolutions is larger than total number of complainants.